

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6027**

**BILL NUMBER:** SB 26

**NOTE PREPARED:** Feb 18, 2008

**BILL AMENDED:** Jan 24, 2008

**SUBJECT:** Smoke Detectors in Rental Properties.

**FIRST AUTHOR:** Sen. Jackman

**FIRST SPONSOR:** Rep. L. Lawson

**BILL STATUS:** 2<sup>nd</sup> Reading - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill makes it a Class B infraction if a landlord fails to: (1) properly install a smoke detector at the time a tenant moves in; or (2) repair an inoperative hard-wired smoke detector within seven days of receiving notice of the need for repair.

It increases the penalty to a Class A infraction for a subsequent offense.

It also provides that a landlord and a tenant may not waive the requirement that a smoke detector be installed in each rental unit.

The bill requires a tenant to replace batteries as needed in a battery-operated smoke detector and to provide written notice of any malfunctions of a hard-wired smoke detector to the landlord.

The bill permits a fire department to inspect a private dwelling upon the request of the owner or primary lessee who resides in the dwelling.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) *Infractions:* Under current law, a dwelling owner, manager, or rental agent must install one functional smoke detector outside of each sleeping area and on each additional story of the dwelling. Replacement must occur within seven days and a person may not tamper with or remove a smoke detector. Violation of these requirements is a Class D infraction. Under the bill the penalty

would increase to a Class B infraction or a Class A infraction for a subsequent offense.

Revenue to the state General Fund could increase if an infraction is changed from Class D to Class B or Class A. The maximum judgment for a Class D infraction is \$25, while the maximum judgment for a Class B infraction is \$1,000, and the maximum penalty for a Class A infraction is \$10,000. Proceeds from infraction judgments are deposited in the state General Fund. No additional fee revenue would be expected since the court fees are \$70 for both infraction types.

**Explanation of Local Expenditures:** *Smoke Detector Inspection:* The bill allows fire departments to inspect private dwellings for compliance with smoke detector requirements at the request of the landlord or the primary lessee. The section does not include fees for inspections.

**Explanation of Local Revenues:** *Infractions:* No additional fee revenue would be expected since the court fees are \$70 for both infraction types.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies, local fire departments.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

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